

DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Attorney Michael Downs on 11/20/09.

Thank you for your courtesy in contacting Applicants about this application and the pending claims.

Attached please find a proposed amendment to the claims, which Applicants authorize you to enter. Some comments on the proposed amendment follow.

Changes:

Although Applicants do not believe such an amendment is necessary for patentability, independent method Claim 1 has been amended to incorporate a feature of: wherein the identification comprises at least one of: an identifier associated with the customer and a name of the customer. Claim 47 (apparatus) and Claim 48 (computer-readable medium) recite corresponding subject matter and have been similarly amended. Claim 3 has been cancelled.

Although Applicants do not believe such an amendment is necessary for patentability, independent method Claim 49 has been amended to incorporate a feature of: wherein the first identification comprises at least one of: an identifier associated with

the customer and a name of the customer. Claim 96 (apparatus) and Claim 94 (computer-readable medium) recite corresponding subject matter and have been similarly amended. Claim 51 has been cancelled.

Cancelled:

Independent Claims 46 and 95 have been cancelled without prejudice.

Added:

Consequently, Applicants have proposed new independent Claim 114 (computer-readable medium) and independent Claim 115 (apparatus), which recite subject matter corresponding to independent method Claim 97, already examined.

Entitled to consideration:

Claim 8-10, 16, 28, 29, 34, 38, 56-58, 64, 76, 77, 82 and 86 were withdrawn previously as being directed to non-elected species. Claims 1, 13, 25, 49, 61 and 73 are considered by the USPTO to be generic [See Office Action mailed October 22, 2004 (Paper No./Mail Date 10152004)]. As the Office has indicated that each of the generic claims would be in condition for allowance, Applicants request consideration of the withdrawn claims, each of which depends from an allowable claim and is allowable for at least that reason. The status of the previously withdrawn claims has been changed to "ORIGINAL" in the proposed amendment.

PROPOSED amendments to the claims

1. (CURRENTLY AMENDED) A method for providing a benefit to a customer, comprising:

receiving, by a controller comprising at least one processor, an identification of a customer involved in a transaction with a third party,

wherein the identification comprises at least one of: an identifier associated with the customer and a name of the customer;

determining, by the controller, a preventative treatment for the customer;

offering a benefit to the customer toward the transaction if the customer adopts the preventative treatment;

receiving, by the controller, an indication that the customer agrees to adopt the preventative treatment; and

providing the benefit.

2. (ORIGINAL) The method of claim 1, wherein the receiving further comprises receiving the identification from at least one of: the customer, a merchant, a web site operator, an acquaintance of the customer, a family member related to the customer, a doctor, a pharmacist, an insurance provider, and a government agency.

3. (CANCELLED).

4. (ORIGINAL) The method of claim 1, wherein said customer is involved in a transaction comprising at least one of: a purchase of a product, a purchase of a service, an insurance premium, and an online purchase.

5. (ORIGINAL) The method of claim 1, wherein the customer has profile information comprising at least one of:

an age of the customer, a gender of the customer, a geographic location corresponding to a residence of the customer, a medical history of the customer, a medical history of the customer's family, an occupation of the customer, a previous

preventative treatment adopted by the customer, and at least one preventative treatment not adopted by the customer.

6. (ORIGINAL) The method of claim 1, wherein the preventative treatment further comprises at least one of:

a preventative health treatment, a preventative automobile repair, and a preventative home maintenance repair.

7. (ORIGINAL) The method of claim 6, wherein the preventative health treatment comprises at least one of:

a blood test, a cancer screening, a blood pressure screening, a teeth-cleaning treatment, a mammogram, a pap smear, a sigmoidoscopy, a colonoscopy, an immunization, a psychiatric examination, a psychological examination, a dental examination and a physical examination.

8. (ORIGINAL) The method of claim 1, wherein said determining a preventative treatment further comprises:

determining the preventative treatment based on a list of preventative treatments not undertaken by the customer.

9. (ORIGINAL) The method of claim 1, wherein said determining a preventative treatment further comprises:

determining the preventative treatment based on a list of preventative treatments not undertaken by the customer within a predetermined time.

10. (ORIGINAL) The method of claim 1, wherein said determining a preventative treatment further comprises:

determining a plurality of preventative treatments, wherein the customer may adopt at least one of said plurality of preventative treatments.

11. (ORIGINAL) The method of claim 1, wherein said determining a preventative treatment further comprises determining a plurality of preventative treatments, the method further comprising:

comparing a cost associated with each of said plurality of preventative treatments; and

selecting at least one of said plurality of preventative treatments based on said comparing.

12. (ORIGINAL) The method of claim 11, wherein said selecting further comprises:

selecting a preventative treatment having a lowest cost.

13. (ORIGINAL) The method of claim 1, wherein the preventative treatment corresponds to at least one condition.

14. (ORIGINAL) The method of claim 13, further comprising:

determining a future cost for the at least one condition, wherein the future cost is determined based on a probability of the customer contracting the condition.

15. (ORIGINAL) The method of claim 13, further comprising:

determining a future cost for the at least one condition, wherein the future cost is determined based on a probability of the customer contracting the condition within a predetermined time.

16. (ORIGINAL) The method of claim 13, further comprising:

determining a future cost, wherein the future cost is determined based on total cost for treating the condition.

17. (CANCELLED)

18. (ORIGINAL) The method of claim 1, further comprising:
receiving a confirmation from a third party that the preventative treatment has been
adopted by the customer.
19. (ORIGINAL) The method of claim 18, further comprising:
updating profile information for the customer based on the confirmation.
20. (ORIGINAL) The method of claim 1, wherein the benefit is provided by an
insurer of the customer.
21. (ORIGINAL) The method of claim 20, wherein the benefit is determined
based on a probability that the customer will remain insured by the insurer for a
predetermined time.
22. (ORIGINAL) The method of claim 1, further comprising:
receiving a security for the benefit from the customer.
23. (ORIGINAL) The method of claim 22, wherein the security comprises an
authorization to charge a financial account in the amount of the benefit.
24. (PREVIOUSLY PRESENTED) The method of claim 23, wherein the
financial account comprises at least one of: a checking account, a savings account, a
credit card account, and an alternative currency account.
25. (ORIGINAL) The method of claim 22, wherein the security is used to
reimburse the payment of the benefit when a predetermined condition is not met.
26. (ORIGINAL) The method of claim 25, wherein the predetermined
condition comprises a determination that the preventative treatment was adopted.

27. (ORIGINAL) The method of claim 25, wherein the predetermined condition comprises a determination that the preventative treatment was adopted within a predetermined time.
28. (ORIGINAL) The method of claim 25, wherein the predetermined condition comprises a requirement that the customer remain insured by an insurer for a predetermined time.
29. (ORIGINAL) The method of claim 25, wherein the predetermined condition comprises a requirement that the customer selects an insurance provider.
30. (ORIGINAL) The method of claim 1, further comprising:
assigning a treatment provider for the selected preventative treatment.
31. (ORIGINAL) The method of claim 1, wherein the benefit comprises at least one of: a currency amount, an alternate currency amount, a percentage discount on a purchase, and a reduced insurance premium.
32. (CANCELED)
33. (PREVIOUSLY PRESENTED) The method of claim 1, in which providing the benefit comprises receiving a confirmation that the preventative treatment has been adopted.
34. (ORIGINAL) The method of claim 1, wherein the benefit is provided to a third party involved in a transaction with the customer.
35. (ORIGINAL) The method of claim 1, further comprising:
determining the benefit based on an expected future cost.

36. (ORIGINAL) The method of claim 1, further comprising:
determining a present value of a future cost associated with the preventative treatment; and
determining the benefit based on the present value.
37. (ORIGINAL) The method of claim 1, wherein the benefit is provided in at least one installment payment.
38. (ORIGINAL) The method of claim 1, wherein the benefit is provided to one of: a party referring the customer and a party identified by the customer.
39. (ORIGINAL) The method of claim 1, wherein the benefit is provided by at least one of: an insurer, a group of insurers, a physician, an employer, a family member of the customer, a government agency, a drug manufacturer, a medical equipment manufacturer, an automobile repair center and a maintenance provider.
40. (ORIGINAL) The method of claim 1, further comprising:
receiving a medical statistic of the customer with the identification.
41. (ORIGINAL) The method of claim 1, wherein the identification does not include a name of the customer.
42. (ORIGINAL) The method of claim 1, wherein the preventative treatment comprises an agreement to avoid the undertaking of a hazardous activity.
43. (ORIGINAL) The method of claim 1, wherein the preventative treatment comprises an educational assignment regarding a condition.

44. (ORIGINAL) The method of claim 43, wherein the educational assignment comprises at least one of: attendance of an educational seminar and reading educational literature.

45. (ORIGINAL) The method of claim 1, wherein said determining a preventative treatment further comprises determining a preventative treatment based on profile information corresponding to the customer.

46. (CANCELLED)

47. (CURRENTLY AMENDED) An apparatus for providing a benefit to a customer, comprising:
a processor; and
a memory in operative communication with the processor, the memory including a plurality of processing instructions for directing the processor to:
receive an identification of a customer involved in a transaction,
wherein the identification comprises at least one of: an identifier associated with the customer and a name of the customer;
identify a preventative treatment for the customer;
offer a benefit to the customer toward the transaction if the customer adopts the preventative treatment;
receive an indication that the customer agrees to adopt the preventative treatment; and
provide the benefit.

48. (CURRENTLY AMENDED) A computer-readable medium encoded with processing instructions for implementing a method, performed by a computer, for providing a benefit to a customer, the method comprising:
receiving an identification of a customer involved in a transaction,

wherein the identification comprises at least one of: an identifier associated with the customer and a name of the customer;
identifying a preventative treatment for the customer; and
offering a benefit to the customer toward the transaction if the customer adopts the preventative treatment;
receiving an indication that the customer agrees to adopt the preventative treatment; and
providing the benefit.

49. (CURRENTLY AMENDED) A method for providing a benefit, comprising:
receiving, by a controller comprising at least one processor, a first identification of a transaction involving a customer,

wherein the first identification comprises at least one of: an identifier associated with the customer and a name of the customer;
transmitting, by the controller, a second identification of a preventative treatment to be adopted by the customer;
receiving, by the controller, an indication that the preventative treatment has been adopted by the customer; and
providing, via the controller, a benefit to the customer toward the transaction.

50. (ORIGINAL) The method of claim 49, wherein the receiving further comprises receiving the identification from at least one of: the customer, a merchant, a web site operator, an acquaintance of the customer, a family member related to the customer, a doctor, a pharmacist, an insurance provider, and a government agency.

51. (CANCELLED)

52. (ORIGINAL) The method of claim 49, wherein said transaction comprises at least one of: a purchase of a product, a purchase of a service, an insurance premium, and an online purchase.

53. (ORIGINAL) The method of claim 49, wherein the profile information comprises at least one of:

an age of the customer, a gender of the customer, a geographic location corresponding to a residence of the customer, a medical history of the customer, a medical history of the customer's family, an occupation of the customer, a previous preventative treatment adopted by the customer, and at least one preventative treatment not adopted by the customer.

54. (ORIGINAL) The method of claim 49, wherein the preventative treatment further comprises at least one of:

a preventative health treatment, a preventative automobile repair, and a preventative home maintenance repair.

55. (ORIGINAL) The method of claim 54, wherein the preventative health treatment comprises at least one of:

a blood pressure screening, a teeth-cleaning treatment, a mammogram, a pap smear, a sigmoidoscopy, a colonoscopy, an immunization, a psychiatric examination, a psychological examination, a dental examination and a physical examination.

56. (ORIGINAL) The method of claim 49, wherein said determining a preventative treatment further comprises:

determining the preventative treatment based on a list of preventative treatments not undertaken by the customer.

57. (ORIGINAL) The method of claim 49, wherein said determining a preventative treatment further comprises:

determining the preventative treatment based on a list of preventative treatments not undertaken by the customer within a predetermined time.

58. (ORIGINAL) The method of claim 49, wherein said determining a preventative treatment further comprises:

determining a plurality of preventative treatments, wherein the customer may adopt at least one of said plurality of preventative treatments.

59. (ORIGINAL) The method of claim 49, wherein said determining a preventative treatment further comprises determining a plurality of preventative treatments, the method further comprising:

comparing a future cost associated with each of said plurality of preventative treatments; and

selecting at least one of said plurality of preventative treatments based on said comparing.

60. (ORIGINAL) The method of claim 59, wherein said selecting further comprises:

selecting a preventative treatment having at least one of: a lowest cost and a highest savings.

61. (ORIGINAL) The method of claim 59, wherein the preventative treatment corresponds to at least one condition.

62. (ORIGINAL) The method of claim 61, wherein the future cost is determined based on a probability of the customer contracting the condition.

63. (ORIGINAL) The method of claim 61, wherein the future cost is determined based on a probability of the customer contracting the condition within a predetermined time.

64. (ORIGINAL) The method of claim 61, wherein the future cost is determined based on a total cost for treating the condition.

65. (ORIGINAL) The method of claim 49, wherein said adopting comprises an agreement by the customer to undertake the preventative treatment.

66. (ORIGINAL) The method of claim 49, further comprising:

receiving a confirmation from a third party that the preventative treatment has been adopted by the customer.

67. (ORIGINAL) The method of claim 66, further comprising:
updating profile information corresponding to the customer based on the confirmation.

68. (ORIGINAL) The method of claim 49, wherein the benefit is provided by an insurer of the customer.

69. (ORIGINAL) The method of claim 68, further comprising:
determining a future cost based on a probability that the customer will remain insured by the insurer for a predetermined time; and
selecting a preventative treatment based on the future cost.

70. (ORIGINAL) The method of claim 49, further comprising:
receiving a security for the benefit from the customer.

71. (ORIGINAL) The method of claim 70, wherein the security comprises an authorization to charge a financial account in the amount of the benefit.

72. (ORIGINAL) The method of claim 71, wherein the financial account comprises at least one of: a checking account, a savings account, a credit card account, and an alternative currency account.

73. (ORIGINAL) The method of claim 70, wherein the security is used to reimburse the payment of the benefit when a predetermined condition is not met.

74. (ORIGINAL) The method of claim 73, wherein the predetermined condition comprises a determination that the preventative treatment was adopted.

75. (ORIGINAL) The method of claim 73, wherein the predetermined condition comprises a determination that the preventative treatment was adopted within a predetermined time.

76. (ORIGINAL) The method of claim 73, wherein the predetermined condition comprises a requirement that the customer remain insured by an insurer for a predetermined time.

77. (ORIGINAL) The method of claim 73, wherein the predetermined condition comprises a requirement that the customer selects an insurance provider.

78. (ORIGINAL) The method of claim 49, further comprising:
assigning a treatment provider for the selected preventative treatment.

79. (ORIGINAL) The method of claim 49, wherein the benefit comprises at least one of: a currency amount, an alternate currency amount, a percentage discount on a purchase, and a reduced insurance premium.

80. (ORIGINAL) The method of claim 49, wherein the benefit is provided to the customer.

81. (ORIGINAL) The method of claim 49, wherein the benefit is provided to the customer after receipt of a confirmation that the preventative treatment has been adopted.

82. (ORIGINAL) The method of claim 49, wherein the benefit is provided to a third party involved in the transaction.

83. (ORIGINAL) The method of claim 49, further comprising:

determining the benefit based on an expected future cost.

84. (ORIGINAL) The method of claim 49, further comprising:
determining an expected present value of a future cost; and
determining the benefit based on the present value.
85. (ORIGINAL) The method of claim 49, wherein the benefit is provided in at least one installment payment.
86. (ORIGINAL) The method of claim 49, wherein the benefit is provided to at least one of: a party referring the customer, and a party identified by the customer.
87. (ORIGINAL) The method of claim 49, wherein the benefit is provided by at least one of: an insurer, a group of insurers, a physician, an employer, a family member of the customer, a government agency, a drug manufacturer, a medical equipment manufacturer, an automobile repair center and a maintenance provider.
88. (ORIGINAL) The method of claim 49, further comprising:
receiving a medical statistic of the customer with the identification.
89. (ORIGINAL) The method of claim 49, wherein the identification does not include a name of the customer.
90. (ORIGINAL) The method of claim 49, wherein the preventative treatment comprises an agreement to avoid the undertaking of a hazardous activity.
91. (ORIGINAL) The method of claim 49, wherein the preventative treatment comprises an educational assignment regarding a condition.

92. (ORIGINAL) The method of claim 91, wherein the educational assignment comprises at least one of: attendance of an educational seminar and reading educational literature.

93. (ORIGINAL) The method of claim 49, wherein said determining a preventative treatment further comprises determining a preventative treatment based on profile information corresponding to the customer.

94. (CURRENTLY AMENDED) A computer readable medium encoded with processing instructions for implementing a method for providing a benefit, the method comprising:

receiving, by a controller comprising at least one processor, a first identification of a transaction involving a customer,

wherein the first identification comprises at least one of: an identifier associated with the customer and a name of the customer;

transmitting, by the controller, a second identification of a preventative treatment to the customer;

receiving, by the controller, an indication that the preventative treatment has been adopted by the customer; and

providing, via the controller, a benefit to the customer toward the transaction.

95. (CANCELLED)

96. (CURRENTLY AMENDED) An apparatus for providing a benefit, comprising:
- a processor; and
 - a memory in operative communication with the processor, the memory for storing a plurality of processing instructions directing the processor to:
 - receive a first identification of a transaction involving a customer,
 - wherein the first identification comprises at least one of: an identifier associated with the customer and a name of the customer;
 - transmit a second identification of a preventative treatment to the customer;
 - receive an indication that the preventative treatment has been adopted by the customer; and
 - provide a benefit to the customer toward the transaction.
97. (PREVIOUSLY PRESENTED) A method for providing a benefit, comprising:
- receiving, by a controller comprising at least one processor, a first identification of a transaction between a customer and a third party;
 - determining, by the controller, a preventative treatment and a benefit;
 - transmitting, by the controller, a second identification of the preventative treatment and a third identification of the benefit to the customer;
 - receiving, by the controller, an indication that the preventative treatment has been adopted by the customer; and
 - providing the benefit toward the transaction between the customer and the third party in response to said indication.
98. (ORIGINAL) The method of claim 97, wherein a value for the benefit is determined from an expected future cost corresponding to the preventative treatment.
- 99 – 110. (CANCELED)

112. (PREVIOUSLY PRESENTED) The method of claim 1,
wherein the third party is a third party merchant ; and
wherein offering the benefit to the customer toward the transaction if the
customer adopts the preventative treatment comprises:
in response to receiving the identification of the customer involved in the
transaction with the third party merchant, offering the benefit to the customer
toward the transaction between the customer and the third party merchant if the
customer adopts the preventative treatment.

113. (PREVIOUSLY PRESENTED) A method for providing a benefit to a customer, comprising:

- receiving, by a controller comprising at least one processor and associated with at least one insurer, an identification of a customer involved in a transaction with a third party merchant, the transaction being via a web site of the third party merchant;

- after receiving the identification of the customer involved in the transaction with the third party merchant,

- selecting, by the controller comprising at least one processor and associated with the at least one insurer, a preventative treatment for the customer;

- after receiving the identification of the customer involved in the transaction with the third party merchant,

- offering, by the controller comprising at least one processor and associated with the at least one insurer, a benefit to the customer toward the transaction between the customer and the third party merchant in exchange for the customer agreeing to adopt the preventative treatment;

- receiving, by the controller comprising at least one processor and associated with the at least one insurer, an indication that the customer agrees to adopt the preventative treatment; and

- providing the benefit toward the transaction between the customer and the third party merchant.

114. (NEW) A computer readable medium encoded with processing instructions for implementing a method for providing a benefit, the method comprising:

- receiving, by a controller comprising at least one processor, a first identification of a transaction between a customer and a third party;
- determining, by the controller, a preventative treatment and a benefit;
- transmitting, by the controller, a second identification of the preventative treatment and a third identification of the benefit to the customer;
- receiving, by the controller, an indication that the preventative treatment has been adopted by the customer; and
- providing the benefit toward the transaction between the customer and the third party in response to said indication.

115. (NEW) An apparatus for providing a benefit, comprising:

- a processor; and
- a memory in operative communication with the processor, the memory for storing a plurality of processing instructions directing the processor to:
 - receive a first identification of a transaction between a customer and a third party;
 - determine a preventative treatment and a benefit;
 - transmit a second identification of the preventative treatment and a third identification of the benefit to the customer;
 - receive an indication that the preventative treatment has been adopted by the customer; and
 - provide the benefit toward the transaction between the customer and the third party in response to said indication.

Notice to Applicant

2. This communication is in response to the Amendment filed on 10/27/09 and the Proposed Amendment submitted on 11/20/09. Claims 1, 47, 48, 49, 94 and 96 have

been amended. Claims 3, 17, 32, 46, 51, 95, and 99-110 have been cancelled. Claims 114 -115 have been newly added. Claims 1-2, 4-31, 33-45, 47-50, 52-78, 79, 80-94, 96-98 and 111-115 are pending.

Allowable Subject Matter

2. Claims 1-2, 4-31, 33-45, 47-50, 52-78, 79, 80-94, 96-98 and 111-115 are allowed in light of Applicant's arguments and the Proposed Amendment filed on 11/20/09.

The drawings filed on 10/02/00 have been acknowledged and considered by the Examiner.

3. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to VANEL FRENEL whose telephone number is (571)272-6769. The examiner can normally be reached on 6:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew S. Gart can be reached on 571-272-3955. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Vanel Frenel/

Primary Examiner, Art Unit 3687

March 24, 2010